

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

*This document relates to:*

*All Cases Noted on Attached Appendix A*

MDL No. 2804

Case No. 1:17-md-2804

JUDGE DAN AARON POLSTER

**MASTER STIPULATION AND ORDER  
DISMISSING WITH PREJUDICE CLAIMS  
PURSUANT TO WEST VIRGINIA KROGER SETTLEMENT**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record for the Plaintiff West Virginia Subdivisions identified in Appendix A (collectively, “Dismissing WV Plaintiffs”) and Defendant Kroger (together with the Released Entities, “Kroger”<sup>1</sup>) that, pursuant to the election of each Dismissing WV Plaintiff to participate in the Kroger West Virginia Settlement attached hereto as Appendix B, all claims of each Dismissing WV Plaintiff against any Released Entity that is a defendant in any action listed in Appendix A are hereby voluntarily **DISMISSED WITH PREJUDICE**, with each party to bear its own costs.

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<sup>1</sup> The Kroger West Virginia Settlement is between the State of West Virginia and Kroger, but the settlement provides for participation by the Dismissing WV Plaintiffs conditioned on their agreement, among other things, to release and dismiss their claims against all “Released Entities.” Settlement Agreement § II.II.

Dated: September 7, 2023

Respectfully submitted,

Agreed as to form and substance:

**KROGER**

/s/ Ronda L. Harvey

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**DISMISSING WV PLAINTIFFS**

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SO ORDERED this 8th day of September 2023.

/s/ Dan Aaron Polster

Hon. Dan Aaron Polster  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2023 I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/ John D. Hurst  
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